

REMARKS/ARGUMENTS

Claims 2-5, 7-16, 18-21, 23, 24, 26-32, 37, 38, 40, and 41 are pending.

Claims 1, 5, 6, 12, 13, 15-18, 22, 24, 25, 29-36, 38, and 39 were rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by Ashwin, U.S. Patent No. 6,232,877.

Claims 2 and 19 were rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Muhme, U.S. Patent No. 5,886,634.

Claims 3, 4, 7-10, 20, 21, 23, 26-28, and 37 were rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Francis et al., U.S. Patent No. 6,600,418.

Claim 11 was rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Chan et al., U.S. Patent No. 5,550,547.

Claim 14 was rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Asama et al., U.S. Patent No. 5,929,778.

Claims 1, 6, 17, 22, 25, 33-36, and 39 have been canceled without prejudice or disclaimer. New claims 40 and 41 have been added. Claims 2, 3, 5, 7, 11-16, 18-20, 23, 24, 26, 29-32, 37, and 38 have been amended. No new matter has been added to the new or amended claims.

The pending claims are grouped into the following claim sets:

- independent claim 2 and its dependent claims 5 and 11-15
- independent claim 3 and its dependent claims 4, 5, and 11-15
- independent claim 7 and its dependent claims 8-10
- independent claim 16 (no dependent claims)
- independent claim 18 (no dependent claims)
- independent claim 19 (no dependent claims)
- independent claim 20 and its dependent claim 21
- independent claim 23 and its dependent claims 24 and 29-32
- independent claim 26 and its dependent claims 27 and 28
- independent claim 37 (no dependent claims)

- independent claim 38 (no dependent claims)
- independent claim 40 (no dependent claims)
- independent claim 41 (no dependent claims)

Section 103 Rejections of Claims 2 and 19

Claims 2 and 19 were rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Muhme.

Claim 2 has been rewritten in independent form and has been further amended to more clearly recite the features of the present invention so as to distinguish the cited art. Amended claim 2 recites, in part, "wherein said providing said service is dependent on history information relating to one or more of said requesting device, a user of said requesting device, said service device, and said peripheral devices." Support for this amendment can be found in the disclosure of the present application at, for example, page 4, lines 20-29 and page 7, lines 7-9. No new matter is added.

Ashwin does not teach or suggest providing a service depending upon "history information" as recited in claim 2. The Office action asserted that Ashwin teaches storing history information of a user relating to assets removed by the user from a secured area. However, Ashwin clearly states that the storage of such information is used to "monitor what assets are being removed from the selected zone or business premises by the [user]." *Col. 5, lines 30-38*. Thus, the invention of Ashwin collects history information for the mere purpose of tracking the movement of assets. Nowhere does Ashwin disclose or suggest that such information is also used to determine whether to provide a service as recited in claim 2.

Further, Muhme does not teach or suggest providing a service depending on history information. As best understood, Muhme discloses an access control system in which the timing of an authorization event for a resource or service is limited to a narrow time window. For example, Muhme states that "the event timer measures a predetermined time interval in which an authorization event is to occur." *Col. 7, lines 18-19*. Applicants earnestly submit that providing a service based on a time interval as disclosed in Muhme does not correspond to providing a service based on previously collected history information as recited in claim 2.

Therefore, neither Ashwin nor Muhme teach or suggest providing a service depending upon "history information relating to one or more of said requesting device, a user of said requesting device, said service device, and said peripheral devices" as recited in claim 2. Furthermore, the other cited references fail to make up for the deficiencies of Ashwin and Muhme in this regard. For at least the foregoing reasons, Applicants respectfully submit that claim 2 is novel and nonobvious over the cited prior art.

Claim 19 has been amended to include limitations similar to those recited in amended claim 2. Accordingly, for at least the reasons stated above with respect to claim 2, Applicants respectfully submit that claim 19 is novel and nonobvious over the cited prior art.

Section 103 Rejections of Claims 3, 4, 7-10, 20, 21, 23, 26-28, and 37

Claims 3, 4, 7-10, 20, 21, 23, 26-28, and 37 were rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Francis et al.

Claim 3 has been rewritten in independent form and has been further amended to more clearly recite the features of the present invention so as to distinguish the cited art. Amended claim 3 recites, in part, "obtaining peripheral information ... wherein said peripheral information includes information relating to positions of said peripheral devices relative to said service device, the information relating to positions determined using an infrared contact sensor." Support for this amendment can be found in the disclosure of the present application at, for example, page 11, lines 8-9. No new matter is added.

Francis does not teach or suggest using an infrared contact sensor to determine information relating to the positions of devices as recited in claim 3. As best understood, Francis discloses an object tracking system that uses RF (Radio Frequency) tags to obtain location information of objects that are associated to the tags. Unlike the present invention as set forth in claim 3, Francis makes no mention of using infrared contact sensors.

Therefore, Francis does not teach or suggest "obtaining peripheral information ... wherein said peripheral information includes information relating to positions of said peripheral devices relative to said service device, the information relating to positions determined using an infrared contact sensor" as recited in claim 3. Furthermore, Ashwin and the other cited

references fail to make up for the deficiencies of Francis in this regard. For at least the foregoing reasons, Applicants respectfully submit that claim 3 is novel and nonobvious over the cited prior art.

Claim 7 has been amended to include limitations similar to those recited in amended claim 3. Accordingly, for at least the reasons stated above with respect to claim 3, Applicants respectfully submit that claim 7 is novel and nonobvious over the cited prior art.

Dependent claims 4 and 8-10 incorporate all of the limitations of independent claims 3 and 7, respectively. Thus, Applicants respectfully submit that claims 4 and 8-10 should be allowed for at least a similar rationale as discussed for allowing claims 3 and 7. Applicants further submit that claims 4 and 8-10 recite additional features that are not taught or suggested by the cited references, considered individually or in combination, and are thus allowable for additional reasons.

Claim 20 has been rewritten in independent form and has been further amended to more clearly recite the features of the present invention so as to distinguish the cited art. Amended claim 20 recites, in part, "obtaining peripheral information ... wherein said peripheral information includes information relating to positions of said peripheral devices relative to said requesting device, the information relating to positions determined using a time difference between a first time at which said request was sent from said requesting device and a second time at which said request was received by said service device." Support for this amendment can be found in the disclosure of the present application at, for example, page 14, lines 26-28. No new matter is added.

Francis does not teach or suggest determining the positions of devices using "a time difference between a first time at which said request was sent from said requesting device and a second time at which said request was received by said service device" as recited in claim 20. As mentioned above, Francis discloses the concept of determining whether to provide a service based on a time interval. However, the present invention as set forth in claim 20 is specifically directed towards determining "information relating to positions" using a time difference. Applicants respectfully submit that this feature is not shown by the teachings of Francis. Further, Ashwin and the other cited references fail to make up for the deficiencies of

Francis in this regard. For at least the foregoing reasons, Applicants respectfully submit that claim 20 is novel and nonobvious over the cited prior art.

Dependent claim 21 incorporates all of the limitations of independent claim 20. Thus, Applicants respectfully submit that claim 21 should be allowed for at least a similar rationale as discussed for allowing claim 20. Applicants further submit that claim 21 recites additional features that are not taught or suggested by the cited references, considered individually or in combination, and is thus allowable for additional reasons.

Claims 23, 26, and 37 have been amended to include limitations similar to those recited in amended claim 20. Accordingly, for at least the reasons stated above with respect to claim 20, Applicants respectfully submit that claims 23, 26, and 37 are novel and nonobvious over the cited prior art.

Dependent claims 27 and 28 incorporate all of the limitations of independent claim 26. Thus, Applicants respectfully submit that claims 27 and 28 should be allowed for at least a similar rationale as discussed for allowing claim 26. Applicants further submit that claims 27 and 28 recite additional features that are not taught or suggested by the cited references, considered individually or in combination, and are thus allowable for additional reasons.

Section 102 Rejections of Claims 1, 5, 6, 12, 13, 15-18, 22, 24, 25, 29-36, 38, and 39

Claims 1, 5, 6, 12, 13, 15-18, 22, 24, 25, 29-36, 38, and 39 were rejected for allegedly being anticipated by Ashwin.

Claims 1, 6, 17, 22, 25, 33-36, and 39 have been canceled without prejudice or disclaimer and so the rejections are moot.

Dependent claims 5, 12, 13, and 15 incorporate all of the limitations of independent claims 2 and 3. Thus, Applicants respectfully submit that claims 5, 12, 13, and 15 should be allowed for at least a similar rationale as discussed for allowing claims 2 and 3. Applicants further submit that claims 5, 12, 13, and 15 recite additional features that are not taught or suggested by the cited references, considered individually or in combination, and are thus allowable for additional reasons.

Claims 16, 18, and 38 have been amended to include limitations similar to those recited in amended claim 2. Accordingly, for at least the reasons stated above with respect to claim 2, Applicants respectfully submit that claims 16, 18, and 38 are novel and nonobvious over the cited prior art.

Dependent claims 24 and 29-32 incorporate all of the limitations of independent claim 23. Thus, Applicants respectfully submit that claims 24 and 29-32 should be allowed for at least a similar rationale as discussed for allowing claim 23. Applicants further submit that claims 24 and 29-32 recite additional features that are not taught or suggested by the cited references, considered individually or in combination, and are thus allowable for additional reasons.

Section 103 Rejection of Claim 11

Claim 11 was rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Chan et al.

Dependent claim 11 incorporates all of the limitations of independent claim 2. Thus, Applicants respectfully submit that claim 11 should be allowed for at least a similar rationale as discussed for allowing claim 2. Applicants further submit that claim 11 recites additional features that are not taught or suggested by the cited references, considered individually or in combination, and is thus allowable for additional reasons.

Section 103 Rejection of Claim 14

Claim 14 was rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Ashwin in view of Asama et al.

Dependent claim 14 incorporates all of the limitations of independent claims 2 and 3. Thus, Applicants respectfully submit that claim 14 should be allowed for at least a similar rationale as discussed for allowing claims 2 and 3. Applicants further submit that claim 14 recites additional features that are not taught or suggested by the cited references, considered individually or in combination, and is thus allowable for additional reasons.

Appl. No. 10/052,282
Amdt. sent August 5, 2005
Reply to Office Action of February 10, 2005

PATENT

New Claims 40 and 41

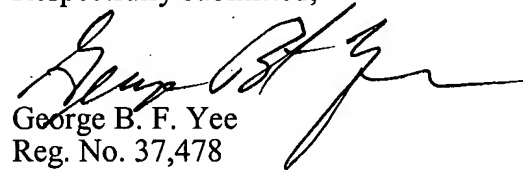
New claims 40 and 41 recite limitations similar to those recited in amended claims 2 and 3, respectively. Accordingly, for at least the reasons stated above with respect to claims 2 and 3, Applicants respectfully submit that claims 40 and 41 are in a condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
GBFY:A2L:cm
60556387 v1